

Remarks

Claims 8-34 are pending.

In response to the Restriction Requirement dated July 12, 2006, Applicants elect **Group III**, drawn to a method of detecting the presence of human papilloma virus (HPV) with traverse.

In traversing the restriction requirement, Applicants respectfully submit that it would not be an undue burden to examine Group II, claims 20-24, drawn to a kit for detecting the presence of human papilloma virus (HPV), together with the method claims of elected Group III, drawn to a method of detecting the presence of human papilloma virus (HPV) using a collection device encompassed by the kit of Group II, since the searches would essentially be overlapping, e.g., a search for methods recited in the claims of Group III comprising the use of a device encompassed by Group II would necessarily overlap a search for the collection device in the kit recited in the claims of Group II.

In the event that the method claims of elected Group III are allowed, Applicants respectfully request the rejoinder of the kit claims of Group II.

Applicants also respectfully submit that it would not be an undue burden to examine Group I, claims 8-19, drawn to a device for collection of a cervical sample together with the claims of Group II, claims 20-24, drawn to a kit for detecting the presence of HPV comprising the device of Group I, because the search for each group would essentially be overlapping, e.g., a search for the collection device encompassed by the kit recited in the claims of Group II would necessarily overlap with a search of the device recited in the claims of Group I.

Species Election

The restriction requirement states that a further election is required between “Species A”- an “HPV antibody and immunoassay detection” embodiment and “Species B” – a “DNA extraction and polypeptide detection” embodiment.

Applicants hereby elect “**Species B**” – a “DNA extraction and polypeptide detection” with traverse, on the grounds that “Species A” and “Species B” are not distinct. The office action states that these two species are “substantially dissimilar and structurally divergent means

for detecting the presence of HPV protein in a specimen". Applicants respectfully traverse on the grounds that "Species A" and Species B" both encompass polypeptide detection, and thus are structurally similar. For example, Applicants note that claims 28-31 would fall under both "Species A" and "Species B".

A petition for extension of time is attached. However, should any further fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 04-1105, Reference No. 227497/2002.

Respectfully submitted,

Date: January 12, 2007

Amy DeClouy
54849
Amy DeClouy
Name: Ralph Loren
Registration No.: 29,325
Customer No.: 29933
Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205
Tel: 617-239-0100